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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,599	10/27/2003	Egbert Classen	2001PI1003WOUS	3516
46726	7590	03/13/2006	EXAMINER	
JOHN T. WINBURN 100 BOSCH BOULEVARD NEW BERN, NC 28562			ADAMS, GREGORY W	
			ART UNIT	PAPER NUMBER
			3652	
DATE MAILED: 03/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/694,599

Applicant(s)

CLASSEN ET AL.

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,4-17,19-29 and 32-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4-17,19-29 and 32-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by McManus (US 4,736,971).

With respect to claim 32, McManus discloses a support beam 13, crossbeam 20, first and second legs 28, 32, and a hydraulic cylinder 15.

With respect to claim 33, McManus discloses a crossbeam that translates.

With respect to claim 34, McManus discloses a crossbeam that pivots.

With respect to claim 35, McManus discloses a hydraulic driver 21.

With respect to claim 36, McManus discloses legs 28, 32 do not extend below goods unit as disclosed in FIG. 2.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 2, 4-17, 19-29 & 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (US 3,788,500) (previously cited) in view of Richardson (US 5,161,934).

With respect to claims 4, 19 & 39, Lemelson discloses an apparatus comprising a conveying unit 16 inserted into a transport compartment 25 and conveying goods L, P, a conveying unit 14-16 having a gripping unit 16 and a lifting unit 16 wherein a gripping unit 16 has one gripping unit 16 disposed after another gripping unit 16. It is noted that Lemelson discloses two gripping units to automatically load and/or unload a transport compartment by traveling adjacent thereto or into a storage compartment. Lemelson Abstract. Lemelson does not disclose two legs. Richardson discloses two legs 29L/R extending down from a crossbeam 20 such that pallet loads can be separated either in part as in rearranging layers of cases on pallets. C1/L15-19. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the gripping unit of Lemelson to include two legs, as per the teachings of Richardson, for rearranging layers of cases.

With respect to claim 2, Lemelson discloses a conveying unit 14 installed in a loading region G.

With respect to claims 7-8 & 22, Lemelson discloses an apparatus comprising a gripping unit pick-up region G, guide and support unit 15 mounted to overhead structure. It is noted that mounting a guiding and support unit to overhead structure, overhead structure comprises building ceilings comprise, frame, & cross members.

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Therefore, it would have been obvious to mount an apparatus to a ceiling, as taught by Lemelson, such that a guiding unit may extend over a loading region.

With respect to claim 5, Lemelson discloses conveying unit 14 comprising a guide and support unit 15 connected to a gripping unit 16.

With respect to claim 6, Lemelson discloses gripping unit pick-up region G and a guide and support unit above pick-up region.

With respect to claims 9 & 23, Lemelson discloses gripping unit 16 mounted on guide and support unit 15.

With respect to claims 10 & 24, Lemelson discloses a guide and support unit 15 end points in direction of transport compartment 22 with a guide and support unit support element 12S, 21 on end 21.

With respect to claims 11-12, 14-15 & 25, 27, Lemelson discloses gripping unit 16 having one or two degrees of freedom. It is noted that Lemelson discloses a first degree being that in a vertical (i.e. raising) direction, and a second degree being that in a horizontal direction, i.e. into a loading compartment.

With respect to claims 13 & 26, Lemelson discloses a cross member 16, and gripping unit moves which transversely across loading direction 15. It is noted that Lemelson's transverse movement comprising into and out of a pallet stack.

With respect to claims 16 & 28, Lemelson discloses a conveying unit 14 with rollers 29.

With respect to claims 17 & 29, Lemelson discloses a commercial motor vehicle 12.

With respect to claim 20, Lemelson discloses a conveying unit in loading region 14, rollers 29 and support conveying unit 14, 15.

With respect to claim 21, Lemelson discloses a gripping unit pick-up region (indicated generally as G in FIG. 6) and a guide and support unit 16 above said pick-up region.

With respect to claim 39, Lemelson discloses a method of moving goods comprising a conveying unit 16 inserted into a transport compartment 25 and conveying goods L, P, a conveying unit 14-16 having a gripping unit 16 and a lifting unit 16 wherein a gripping unit 16 has one gripping unit 16 disposed after another gripping unit 16. It is noted that Lemelson discloses two gripping units to automatically load and/or unload a transport compartment by traveling adjacent thereto or into a storage compartment. Lemelson Abstract. Lemelson does not disclose two legs. Richardson discloses two legs 29L/R extending down from a crossbeam 20 such that pallet loads can be separated either in part as in rearranging layers of cases on pallets. C1/L15-19. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Lemelson to include two legs, as per the teachings of Richardson, for rearranging layers of cases.

2. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over McManus (US 4,736,971) in view of Lemelson. McManus discloses the claimed invention, but does not disclose cross members connected to a fixed structure. Lemelson discloses fixturing a support beam to an overhead structure, but does not

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disclose fixturing to a ceiling. It is noted that mounting an overhead rail to overhead structure, overhead structure comprises building ceilings comprise, frame, & cross members. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the support beam of the McManus to an overhead structure such as ceilings or beams mounted from a ceiling, to provide for an open floor space.

### ***Response to Arguments***

Applicant's arguments filed March 18, 2005 with respect to Shimizu and the rejection(s) of claim(s) 1-32 have been fully considered and are persuasive. Therefore, the previous rejection has been withdrawn. With respect to claim 4, Applicant argues that Lemelson does not disclose the subject matter of claim 4. Applicant is respectfully directed to the 103(a) rejection above which shows that Lemelson in view of Richardson disclose an apparatus that transfers goods from a pick-up region using a gripper along an overhead beam into the interior of a vehicle.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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